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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

HERBERT S. OLSON,
 Plaintiff(s),
 v.

CASE NUMBER

C-08-0670 JCS

AARON SCHMADEKE, et al.,
 Defendant(s).

NOTICE OF DISMISSAL PURSUANT
 RULE 41(a) OR (c) F.R.Civ.P.

PLEASE TAKE NOTICE: (Check one)

- ☐ This action is dismissed by the Plaintiff (s) in its entirety.
- ☐ The Counterclaim brought by Claimant (s) _____ is dismissed by Claimant (s) in its entirety.
- ☐ The Cross-Claim brought by Claimant (s) _____ is Dismissed by the Claimant (s) in its entirety.
- ☐ The Third-party Claim brought by Claimant (s) _____ is Dismissed by the Claimant (s) in its entirety.
- ☒ ONLY Defendant (s) Thomas E. Stites, as Trustee of the Thomas E. Stites Trust dated January 28, 1999 (are) dismissed from (Circle one) Complaint, Counterclaim, Cross-claim, Third Party Claim brought by _____ Plaintiff _____.

The dismissal is made pursuant to Rule 41 (a) or (c) of the Federal Rules of Civil Procedure.

DATED: April 16, 2008

/s/ Jason K. Singleton

Signature of Attorney/Party

NOTE: F.R.Civ.P. 41(a): THIS NOTICE MAY BE FILED AT ANY TIME BEFORE SERVICE BY THE ADVERSE PARTY OF AN ANSWER OR OF A MOTION FOR SUMMARY JUDGMENT, WHICHEVER FIRST OCCURS.

F.R.Civ.P. 41(c): COUNTERCLAIMS, CROSS-CLAIMS & THIRD-PARTY CLAIMS MAY BE DISMISSED BEFORE SERVICE OF A RESPONSIVE PLEADING OR PRIOR TO THE BEGINNING OF TRIAL.